

ORDINANCE NO. 2012-13

ORDINANCE OF THE BOROUGH OF RED BANK,
COUNTY OF MONMOUTH, NEW JERSEY
AMENDING AND SUPPLEMENTING CHAPTER XXV,
PLANNING AND DEVELOPMENT REGULATIONS

SECTION 25-5.10 "GENERAL PROVISIONS", "NON-APPLICABILITY".

Mr. DuPont offered the following ordinance and moved its adoption on final reading:

BE IT ORDAINED by the Governing Body of the Borough of Red Bank that Chapter XXV of the Revised General Ordinances of the Borough of Red Bank, Monmouth County, "Planning and Development Regulations" is hereby amended and supplemented as follows:

SECTION ONE: Subsection 25-5.10, "General Provisions", "Non-Applicability" is hereby amended and supplemented as follows (*strikeouts denote deletions, underlined text denote additions*):

The provisions of this Chapter shall not apply to customary underground essential services, except that all facilities such as pumping stations, repeater stations and electric substations, which require a structure above ground or any other above ground appurtenance of any type more than forty (40') feet high or either a structure or appurtenance that is within, encroaches upon, adjacent to or that may impact a public sidewalk or right of way, shall require approval as a conditional use subject to the provisions of this Chapter.

SECTION TWO: A copy of this Ordinance, upon introduction, shall be provided to all appropriate municipal agencies, including the Planning Board, for their review and comment pursuant to applicable New Jersey Statutes.

SECTION THREE: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

SECTION FOUR: If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION FIVE: This Ordinance shall take effect immediately upon its passage and adoption according to law.

Seconded by Mr. DuPont and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Ms. Lewis	(x)	()	()	()
Mr. Ziprich	()	()	()	(x)
Mr. DuPont	(x)	()	()	()
Ms. Horgan	(x)	()	()	()
Ms. Lee	(x)	()	()	()
Mr. Murphy	(x)	()	()	()

Dated: July 11, 2012